

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112(A) or (B)

PURSUANT TO A.R.S. § 49-112

PINAL COUNTY

DEPARTMENT OF ENVIRONMENTAL QUALITY

In order to provide timely notice to the EPA Administrator of consideration of a revision of the State Implementation Plan ("SIP"), as initially proposed for consideration in a hearing on May 14, 1997, as well as make certain additional revisions to the County's rule-set, the Board of Supervisors has scheduled a supplemental hearing to consider ratification of any rule changes that may be considered at the May 14, 1997, hearing, as well as to consider certain other rule changes as described below.

1. Schedule of affected provisions

See listing at 3 A.A.R. 1059 (4-11-97), (1)  
§ 1-1-05  
§ 1-1-107  
§ 1-2-110.5  
§ 1-3-140.89  
§§ 5-34-2050 et seq.  
§ 6-1-030  
§ 7-1-030(A)  
§ 7-1-030(B)

Explanatory Reference

3 A.A.R. 1059 (4/11/97) (2)(E)  
3 A.A.R. 1059 (4/11/97) (2)(G)  
(2) below  
3 A.A.R. 1059 (4/11/97) (2)(D)  
3 A.A.R. 1059 (4/11/97) (2)(F)  
3 A.A.R. 1059 (4/11/97) (2)(A)  
3 A.A.R. 1059 (4/11/97) (2)(A)  
3 A.A.R. 1059 (4/11/97) (2)(B)  
3 A.A.R. 1059 (4/11/97) § (2)(C)

2. Summary of the proposed rules and rule changes, any of which may be adopted in whole or in part:

- A. Code Sections and subsections previously described in A.A.R.: see the summary of affected Sections defined in 3 A.A.R. 1059, April 11, 1997; any of the changes described there may be further considered for adoption, re-adoption, repeal, or ratification.
- B. § 1-1-107: Adoptions of new § 1-1-107, a new non-regulatory "declaratory statement" constituting a definition of those elements of the Pinal County Air Quality Control District Code that the Board of Supervisors wishes to constitute parts of the County's "Title V Program", as presented to the EPA for approval pursuant to Title V of the Clean Air Act Amendments of 1990.

3. A demonstration of the grounds and evidence of compliance with A.R.S. § 49-112(A) or (B):

Based on information and belief, the District Director affirms the following:

- A. Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable.
- B. Based on a review of the operating costs of the Pinal County Air Quality Control District, and any reasonable projection of total revenues resulting from the fees and other charges that would be assessed under any or all of the rule revisions proposed above, the Control Officer finds that there is no real risk that revenues will exceed the cost of program administration. The continuing fee-cap, defined by ADEQ's fee rates, continues to implicitly assure the reasonableness of the County's fee. Thus, implementation of any or all of the rule changes proposed above will still not violate the fee-limitation of either A.R.S. §§ 49-112(A)(3) or 49-112(B).
- C. To the extent the changes outlined above constitute rule changes, all consist of revisions to conform existing County rules to ADEQ's parallel rules. As such, all of those changes inherently avoid triggering the A.R.S. § 49-112(A) requirement for a demonstration as a precedent to adoption of more stringent functionally additional rules.

4. Name and address of the person to whom persons may address questions or comments:

Name: Donald P. Gabrielson, Director  
Address: Pinal County Air Quality Control District  
P.O. Box 987  
Florence, Arizona 85232  
Telephone: (520) 868-6760  
Fax: (520) 868-6754

**County Notices Pursuant to A.R.S. § 49-112(A) or 49-112(B)**

**5. Where persons may obtain a full copy of the proposed rule or existing rule:**

Name: Pinal County Air Quality Control District  
Address: P.O. Box 987 574 South Central  
Florence, Arizona 85232 Florence, Arizona  
Telephone: (520) 868-6760  
Fax: (520) 686-6754

Note: The District has the proposed revisions and supporting materials, available in hard-copy or on disk.